

RECEIVED
CENTRAL FAX CENTER**MORRISON & FOERSTER LLP**

JUN 17 2004

Attorneys at Law
3811 Valley Centre Drive, Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-5100
Facsimile: (858) 720-5125

OFFICIAL**To:** U.S. Patent and Trademark Office**Facsimile:** 703 872-9306**From:** Gregory P. Einhorn**Date:** June 17, 2004

We are transmitting a total of 6 pages (including this page).
Original or hard copy to follow if this box is checked .

If you do not receive all pages, please call 858 720-7937 as soon as possible.

Preparer of this slip has confirmed that facsimile number given is correct: JAR6

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at 858 720-7937 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

Comments:

Attorney Docket: 564462001121
Group Art Unit: 1652
Examiner: E. Slobodyansky
Serial No.: 09/905,173
Filing Date: June 12, 2001
Inventor(s): Jay M. SHORT
Title: ENZYME HAVING TRANSAMINASES AND
AMINOTRANSFERASE ACTIVITY AND METHODS OF USE
THEREOF

Papers attached:

1. Transmittal (1 page)
2. Notice of Appeal (1 page)
3. Fee Transmittal (1 page + 1 copy)
4. Petition for Extension of Time (1 page)

sd-205023

PTO/SB/21 (08-03)

Approved for use through 07/31/2006, OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

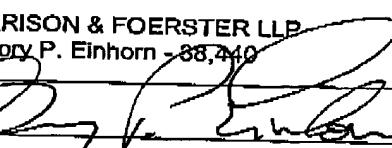
TRANSMITTAL FORM		(to be used for all correspondence after initial filing)	
Total Number of Pages in This Submission	6	Attorney Docket Number	564462001121

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form + 1 duplicate	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) 1 pg.
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request - 1 pg.	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Fax Transmittal - 1 pg.
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

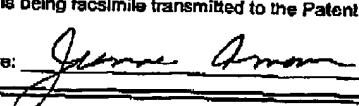
CUSTOMER NUMBER 25225

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MORRISON & FOERSTER LLP Gregory P. Einhorn - 88,440	
Signature		
Date	June 17, 2004	

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9308, on the date shown below.

Dated: June 17, 2004

Signature: 

(Jeanne Amour)

sd-204962

PTO/SB/31 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCEUnder the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number
**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

564462001121

In re Application of
Jay M. SHORT et al.

Application Number 09/905,173	Filed July 12, 2001
For ENZYME HAVING TRANSAMINASES AND AMINOTRANSFERASE ACTIVITY AND METHODS OF USE THEREOF	
Art Unit 1652	Examiner E. Slobodyansky

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 330.00

A check in the amount of the fee is enclosed. \$ 165.00

Payment by credit card. Form PTO-2038 is attached.

The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 03-1952. PTO/SB/17 is attached to this submission in duplicate.

A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

I am the

applicant /inventor

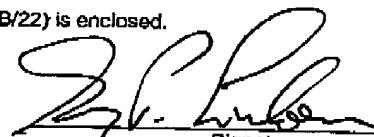
assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

attorney or agent of record.

Registration number 38,440

attorney or agent acting under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a).



Signature

Gregory P. Einhorn
Typed or printed name

(858) 720-5133

Telephone number

June 17, 2004

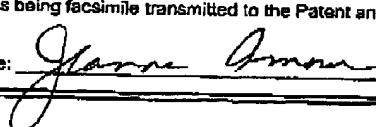
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

*Total of 1 forms are submitted.

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.

Dated: June 17, 2004

Signature:  (Jeanne Armour)

SD-204965

PTO/SB/17 (10-03)
 Approved for use through 7/31/2006, OMB 0651-0032
 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEET TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 640.00)

Complete if Known	
Application Number	09/905,173
Filing Date	July 12, 2001
First Named Inventor	Jay M. SHORT
Examiner Name	E. Slobodyansky
Art Unit	1652
Attorney Docket No.	564462001121

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None

Deposit Account:

Deposit Account Number 03-1962

Deposit Account Name Morrison & Foerster LLP

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments

Charge any additional fee(s) or any underpayment of fee(s)

Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	475.00
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	165.00
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or refuse)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
"Reduced by Basic Filing Fee Paid			
SUBTOTAL (1) (\$ 0.00)		SUBTOTAL (3) (\$ 640.00)	

** or number previously paid, if greater. For Reissues, see above

SUBMITTED BY

Name (Print/Type)	Gregory P. Einhorn	Registration No. (Attorney/Agent)	38,440	Telephone	(858) 720-5133
Signature				Date	June 17, 2004

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9308, on the date shown below.

Dated: June 17, 2004

Signature: 

(Jeanne Amour)

sd-204958

PAGE 4/6 * RCVD AT 6/17/2004 6:26:43 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/1 * DNI:8729306 * CSID:18587205125 * DURATION (mm:ss):02:30

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 640.00)

Complete If Known

Application Number	09/905,173
Filing Date	July 12, 2001
First Named Inventor	Jay M. SHORT
Examiner Name	E. Slobodyansky
Art Unit	1652
Attorney Docket No.	564462001121

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None

 Deposit Account:

Deposit Account Number 03-1952

Deposit Account Name Morrison & Foerster LLP

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments

Charge any additional fee(s) or any underpayment of fee(s)

Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

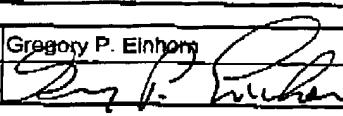
Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description	
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 150	1053 150	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	475.00
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	165.00
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2601 865	Utility issue fee (or reissue)	
1502 480	2602 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination or a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid		SUBTOTAL (3) (\$)	640.00

** or number previously paid, if greater. For Reissues, see above.

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Gregory P. Einhorn	Registration No. (Attorney/Agent)	38,440	Telephone	(856) 720-5133
-------------------	--------------------	-----------------------------------	--------	-----------	----------------

Signature		Date	June 17, 2004
-----------	-------------------------------------------------------------------------------------	------	---------------

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.

Dated: June 17, 2004

Signature:  (Jeanne Amour)

sd-204958

Duplicate Copy
For FEE PAYMENT